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STUDIES

IN
THE SPIRITUALITY OF JESUITS

The Jesuit Ministry of Publishing
Overview of Guidelines and Praxis

Robert J. Kaslyn, S.J.

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THE SEMINAR ON JESUIT SPIRITUALITY

The Seminar is composed of a number of Jesuits appointed from their provinces in the United States.

It concerns itself with topics pertaining to the spiritual doctrine and practice of Jesuits, especially United States Jesuits, and communicates the results to the members of the provinces through its publication, *STUDIES IN THE SPIRITUALITY OF JESUITS*. This is done in the spirit of Vatican II's recommendation that religious institutes recapture the original inspiration of their founders and adapt it to the circumstances of modern times. The Seminar welcomes reactions or comments in regard to the material that it publishes.

The Seminar focuses its direct attention on the life and work of the Jesuits of the United States. The issues treated may be common also to Jesuits of other regions, to other priests, religious, and laity, to both men and women. Hence, the journal, while meant especially for American Jesuits, is not exclusively for them. Others who may find it helpful are cordially welcome to make use of it.

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STUDIES IN THE SPIRITUALITY OF JESUITS

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the first word . . .

The start of another ho-hum week in the office. Let's boot up the computer and see what's going on in my little world. Someone currently based in Nigeria tells me that I've won an international lottery again. Great. I've always wanted to be rich. Wiring a few hundred pounds to a solicitor's office in London will start the process of transferring the funds to my account. How many lotteries have I won this year? An incredible run of good luck. Delete. London solicitors with Nigerian connections must be busy people these days. Last week a missionary told me that she had received a huge grant from an international foundation, but the funds were frozen in England. A few hundred pounds wired overseas would enable the lawyers to begin the currency exchange that would save hundreds of lives and spread the Gospel throughout the continent. The ultra pious language raised suspicions. Delete.

Not all these correspondents want money directly. Some actually want to take care of my money. Several times a week various banks and brokerage houses inform me that the security of my account has been compromised, and my investments are now at risk. I could lose millions, unless they receive confirmation of my account numbers, PIN and the institutions that oversee my holdings. Do budget conscious superiors know about this portfolio? Does the I.R.S.? Delete. Someone must have blown my cover on my vast collection of credit cards. All of them seem to have been issued by companies with extremely porous security, however. Not to worry. Sending in my credit-card numbers, date of birth, social-security number and mother's maiden name will enable this solicitous account manager to remedy the problem before an unscrupulous person in Hungary assumes my identity and buys a Porsche in my name. Imagine some deluded soul wanting my credit rating. Delete.

Someone out there must know my actual financial status. Over the past few months, several potential benefactors have promised to increase my earning power a hundred percent by sending me a graduate degree. Why stop with a Masters? Go for the Ph.D. No books, no exams, no classes. Send money. Specify the area. Spelling ichthyology or veterinarian might prove an obstacle, but they don't seem to be sticklers on details. If only someone had told me about this forty years ago, it would have saved a lot of time and bother. What's done is done. No regrets, but should I forward this material to some formation directors? Think of the money this plan could save for the province *arca seminarii*. Why bother? Superiors never listen to me anyway. Delete.

Health care has become a terribly expensive proposition in our graying provinces, but help is available. Forget Medicare and the Jesuit Health Trust.

Again this morning I received another notice that there are people out there who ship medications, all sorts of them, at a fraction of the price charged by pharmacies. No prescriptions required. That cuts down on bills from doctors and hospitals. Wait. Even more. If the medications don't cure the symptoms, whatever they are, the patient can apply heat and reduce the compounds to their constituent elements: anti-freeze and paint remover. Delete. Drat! That was too hasty. The anti-freeze might come in handy for the Porsche.

More good news for perfectly healthy consumers as well. For a mere \$19.95 plus postage, a company will send me a genuine, collectible, gold Rolex wristwatch. (It could be one of the line made in Taiwan or Sri Lanka, of course, but if it is a genuine Swiss version, I wonder if it comes complete with the wrist of the original owner.) No, my Timex is good enough. Delete. The spam box is empty and I turn to other projects for the day. Dull stuff for the most part, but by this time tomorrow I probably will have won another lottery, so there's something exciting to look forward to.

Junk mail has been with us a long time. Ed McMahon and I have become real pen pals over the years. Every few months he writes to tell me of some vast sum of money I have already won. Anyone who has ever subscribed to any magazine goes onto a mailing list for other magazines looking for new readers. A listing in *The Catholic Directory* guarantees a on-going supply of ball point pens and personalized mailing labels from various fund-raising organizations, especially around Christmastime. Buying a pair of socks from a mail-order company puts one on track to build a library of clothing catalogues, guaranteed to be updated every month for the rest of one's natural life.

The intrusion into private space is nothing new either. Every time we turn on a radio or watch a television program, someone violates our privacy by trying to sell us products we don't want. Drivers have billboards pushing some message through their windshields, and now even toll booths have sponsors. The highway authority picks one pocket while a credit agency tries to pick the other. Even in the movies, a ten-dollar ticket does not protect the hapless customer from being pummeled by a cascade of ads not only for five-pound drums of popcorn and supersized Slurpies, sold right in the lobby, but for condominiums in Florida, right next to a golf course. Then they turn up the volume for fifteen minutes of ear-splitting commercials (the professional term is "creating buzz") for other movies that won't be released for several months.

But we have to admit e-mail spam is something quite different. At a minimal cost, someone can send out millions of these things with the click of a mouse. The law of averages works with the spammers. Out of a million strikes, they can be sure that at least occasionally someone will be gullible enough to send the hundred pounds to London. The volume is astounding. I used to get two or three pieces of paper junk mail in the course of a week. Now I clean out from ten to twenty spam items every day, many of which, to put it tactfully, are patently offensive. Less tactfully, revolting. It's out of control.

Swindlers and scam artists aren't the only problem. Here I have to choose my words very carefully. Now anyone can put up a web site or make a comment on a blog site. Many are intended to provide a genuine service, but without some form of regulation there can be problems. These can be as innocent as inadvertently posting inaccurate information in a Wikipedia entry (which explains why some universities have put it off-limits for students doing term papers) or as malicious as the posting of unadulterated lies about a political opponent during a campaign. Even church people have been accused on occasion of posting misinformation about a public figure's religious convictions or about some group's "loyalty" or "orthodoxy." In the past, editors of reputable journals would try to ensure some level of truth, if only to protect the reputation of their publication. We have regulations about sending unsolicited obscene materials through the mails. Slander laws keep some of our more loud-mouthed radio and television commentators within the boundaries of reason, and the Federal Communications Commission, on occasion—on very rare occasions—tries to rein in some comic or talk show host who wants to test the limits of community standards. But as yet, no one is looking over the Internet. It seems bloggers can say whatever they want, and the lie, distortion, or unfairness stays out in cyberspace until someone refutes it. By the time they do, the harm is done.

In this rapidly changing world of communication, Bob Kaslyn suggests that it may be time for American Jesuits to revisit a few of our own regulations and customs regarding the distribution of materials we put out for public consumption. A good number of Jesuit ministries have set up their own web sites for genuinely apostolic purposes. These represent not only the individual Jesuit who runs them, but the institution he works for and ultimately the Society and the Church. No one uses the word "censorship" comfortably in an American context or even in a post-Vatican II context, and no adult is happy about submitting writings to someone else for approval. The issue can be reduced to the odious expression "thought control." Yet the potential for miscalculation, misunderstanding, and eventual embarrassment remain very real risks for any Jesuit who goes public with his ideas.

The problem extends beyond the Internet. These days it is not uncommon for a Jesuit to be contacted by the press for instant analysis of some Church-related item in the news. Print reporters have deadlines, and the twenty-four-hour news cycle forces cable and even broadcast stations to get the story out right now, if not yesterday, lest they be scooped by the competition. Seeking clearance for a ten-minute telephone interview, of which thirty seconds might be used, strikes many of us who have been in that situation as a bit unrealistic. Reporters will never give editorial rights to their subjects, and as a result we have no control over how they will use our words.

To cite one personal example, a few years ago a reporter from the *New York Times* called to ask me if I thought *The March of the Penguins* was a moral parable in support of "family values" among humans. I told him it was a beautiful nature documentary, period. He pushed me. He cited several church spokesman standing clearly to my right who predictably argued that the film was a clear condemna-

tion of homosexuality, extramarital sex, and divorce. Not wanting to start an interdenominational incident over a movie about birds, I tried to be respectful of their opinions and said something ecumenically sensitive like, "I suppose you could interpret it that way"; with the implied but unspoken subtext, "but it would be silly." The quote came out, "You could interpret it that way," thus supporting the author's presupposition of unanimity among church establishments. Then came angry e-mails and calls from scientists (you don't know penguins) and gay activists (the churches hate us). By this time I would have preferred to be freezing my flippers with those dopey penguins in Antarctica than cavorting on the pages of *The Times*. I don't blame the reporter. He had a piece to submit on deadline and within his space limit. He had to present a simple thesis without muddying the waters with conflicting opinions that undercut the point of his story. It happens.

Not all Jesuit media involvement faces time constraints, and realistically an author could seek prior approval in many instances. One thinks especially of academic publication. A problem remains. A Jesuit writes as an individual scholar spelling out the results of his own research and reflection, but at the same time, he writes as a representative of the Church, the Society of Jesus, and the academic institution. Clearly, the potential for conflict between these two perspectives exists, as history has shown on many occasions. Again the wide variety of subject areas and periodicals make generalizations very difficult. An article or book on a hot-button ecclesiastical issue, like stem-cell research or papal authority should probably be treated differently than would a study of the digamma in Homeric hexameters or protein inhibition in earthworms in Guatemala. Academic journals have referees and editors, who presumably take responsibility for the accuracy and credibility of their publications. When is it appropriate for church authorities to insist on yet another round of vetting?

Writing as a canon lawyer, Bob leads us through several of the thickets of Church law and Jesuit practice, past and present. Much of the material he provides in the opening sections and the appendices can be used as a reference source when questions arise. The documents are complex, as legal writings generally are. Even those of us who are not legal scholars and thus may lack the expertise to work through all the evidence Bob presents, will surely find the section "Norms and Praxis" both accessible and illuminating. At the end, although some of the major problems remain unresolved, thanks to Bob's efforts we will have a clearer sense of the issues. As is usually the case in such complicated matters, absolutist solutions on either side can be deceptive. In gray areas of law and practice, prudence reigns, but at least with Bob's help we have a better understanding of the decisions we're trying to be prudent about.

A few second words. . .

The beginning of another academic year brings our annual spin of the revolving door for the Seminar on Jesuit Spirituality.

First of all, the Seminar—and by extension the entire U.S. Assistancy—thanks Jerry McKevitt and Phil Rosato at the completion of their three-year terms on our board. We will miss their insightful comments on submitted manuscripts

and their lively comments during our discussions. Our friendship endures, of course, but we will miss having the opportunity to see them several times a year at our meetings.

Newly elected to the Seminar are Bentley Anderson and Mick McCarthy.

Bentley, a member of the New Orleans Province, is associate professor of history at St. Louis University. He did his Ph.D. in American history at Boston College. He wrote *Black, White and Catholic: New Orleans Interracialism, 1947–1956*, published by Vanderbilt University Press. While continuing his research into race relations in the post-war United States, he has spent time in Zimbabwe and South Africa to add a comparative dimension to his research.

Mick is a member of the California Province. After reading the humanities “greats” at Oxford University, he went to Notre Dame for his Ph.D., specializing in patristic literature on the Psalms, with special focus on St. Augustine. He is currently assistant professor at Santa Clara, holding a joint appointment in the Departments of Classics and Religious Studies.

Welcome to the Seminar!

A close reading of the inside front cover will reveal that several of our returning members have undergone transitions. Over the past few months Jim Bretzke has joined the faculty of the newly founded Boston College School of Theology and Ministry. Tom Massaro remained on the faculty of Weston Jesuit School of Theology, but now the entire school is in the process of moving from Cambridge to the Brighton campus of Boston College, where it will now be considered part of the School of Theology and Ministry. Pat Howell has added the title of rector to his role as Vice President for Mission and Ministry at Seattle University.

A final note: The Jesuit Conference has begun to put current issues of STUDIES on its website. This is an experiment and a preparation. As is the case with almost all academic journals, we keep looking at the inevitable rise in the costs of production and postage. We’re all searching for the proper balance to make our publication available to the widest audience at the least expense. If some day STUDIES has to adjust its distribution system in some way, we’ll have the experience to make an informed judgment. In the meantime, enjoy your printed copy. We have no plans to change in the immediate future, but it’s best to prepare for the future.

Richard A. Blake, S.J.

Editor



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Robert J. Kaslyn, S.J., entered the New York province in 1975. After completing the licentiate in systematic theology at Regis College of the Toronto School of Theology, he began the study of canon law at St. Paul University, Ottawa, Ontario, where he received the J.C.D. in 1993. While teaching canon law at the Weston Jesuit School of theology, in Cambridge, Mass., he served on the tribunal of the Diocese of Worcester. He is currently a tenured associate professor of canon law at the Catholic University of America, in Washington, D.C. He is a member of the Canon Law Society of America and other professional organizations.

The Jesuit Ministry of Publishing

Overview of Guidelines and Praxis

Throughout its history, the Society of Jesus has considered writing and publication among its more important ministries. Its documents have tried to balance individual initiatives of authors with their responsibilities to the Church and the Society. Changing patterns in communication, including new technologies, urge revisiting the tradition to evaluate the proper balance in the responsibilities of authors and superiors.

I. Introduction

In an article in *America*, Andrew Greeley begins by recalling the publication of his first article (in *America*) and the reaction of his pastor who had reprimanded him for that action.¹ Afterwards, Father Greeley secured permission to publish, noting, however, "Theoretically a diocesan priest did not need permission to write, as I understand the Jesuits did at that time."

"As the Jesuits did at that time. . . ." Well, in fact, both then and now, Jesuits do need permission to publish. Recently (November 2006) the Provincials of the United States Assistance, through the Jesuit Conference, issued both a letter and a set of *Protocols for Publishing and Interact-*

¹ Andrew M. Greeley, "A Writer or a Parish Priest Who Writes," *America* (January 1–8, 2007): 14.

ing with the Media.² The Protocols, based upon *An Ordinatio on Writings*³ and the *Manual for Juridical Practice*⁴ have two specific aims in mind: (1) to highlight key elements from the norms on publishing and (2) to offer clarifications on the ways in which the norms apply to new forms of communication.

As a canonist and Jesuit, investigating specific themes arising from law and, more specifically, from Jesuit law, provides one means for deeper understanding, interpretation, and application of the law. But the law exists primarily "to create such an order in the ecclesial society that, while assigning the primacy to love, grace, and charisms, it at the same time renders their organic development easier in the life of both the ecclesial society and the individual persons who belong to it."⁵ In other words, law is not an end in and of itself but rather is at the service of the Church and the Society and thus must necessarily relate to theology (including ecclesiology) and, more specifically, to the foundational documents of the Society.

At the same time, I will forthrightly admit that certain issues exist that might argue against offering this article for publication. First, an article concerned with legal norms immediately raises questions and

²Jesuit Conference, *Letter on Protocols*, November 2006 (hereafter, *JCLetter*); and *Protocols for Publishing and Interacting with Media*, which concludes with the phrase "Approved by the Provincials of the United States on October 11, 2006" and was published in November with the *JCLetter* (hereafter, *JCProtocols*).

³Father General Kolvenbach, S.J., *Ordinatio de scriptis aliisque operibus publicationi destinatis*, February 4, 1987, and *Normae Societati Iesu propriae*, in *Acta Romana Societatis Iesu* 19 (1987): 1016–17 and 1018–24 respectively. In the English version (there are also Spanish and French versions) of the letter "To All Major Superiors," Johannes Gerhartz, S.J., then Secretary of the Society, notes that this document is intended for the whole Society; the official text is Latin; and a vernacular translation may be made with his review.

⁴*Manual for Juridical Practice of the Society of Jesus* (Rome, Curia of the Superior General of the Society of Jesus, 1997). (Hereafter cited as *Manual for Juridical Practice*). Appendix I, nos. 308–45, entitled "Books and Other Creative Works Intended for Publication in Any Way," provides an English translation (as well as a reordering) of the *Normae* established by Father General (Footnote 3). I will use *Norms* to refer to the English translation, *Normae* to the Latin original and *Ordinatio* to Father General's letter promulgating the *Normae*.

⁵John Paul II, apostolic constitution, *Sacrae Disciplinae leges*, January 25, 1983, English translation found in *Code of Canon Law, Latin-English Edition*. [=cic] Translation prepared under the auspices of the Canon Law Society of America (Washington, DC: Canon Law Society of America, 1983), xxix–xxx.

differing perspectives about the place and role of law (either civil or ecclesiastical or both): for example, the role of law for members of the Church and of the Society of Jesus as well as for members of civil societies, the relationship between justice and law, the application of law. A second issue raises historical, methodological, and practical questions: the Society's law on publications relates most directly to publishing in the technical sense, that is, the printed word. Numerous difficulties can and do arise when such norms are applied to the Internet—blogging, on-line “publications,” opinion and web sites, etc.

In addition to questions about the role of law and practical and historical questions related to the Society's norms on publishing, a third issue focuses on the fact that, in reference to publishing, the universal law of the Church has much less strict requirements than does the proper law of the Society of Jesus. In reference to canon law, James Coriden states:

After an initial canon on the promotion and use of all media in pursuit of the Church's mission, most of the canons are concerned with the prior censorship of a very narrow range of official or semi-official publications, i.e., biblical and liturgical texts, prayer books, catechisms, religious textbooks, and literature distributed in Churches. The imprimatur is now limited in practice to these categories of books.⁶

That is true of the *imprimatur*; it is not true of the Society's own law concerning publishing.

For the positive reasons mentioned above as well as despite the difficulties already noted (or, perhaps, even because of them), I offer this article for reflection and consideration by my fellow Jesuits. The issues raised above, as well as others as readily or even more apparent, relate to the very nature of the power of the published word (understood in its broadest sense). Many people use this power on a daily basis, at times for good, at other times for ill. The primary purpose of this article, at

⁶James Coriden, “Title IV, Instruments of Social Communication and Books in Particular [cc. 822–832]” in *New Commentary on the Code of Canon Law* [= *New Commentary*], ed. John Beal et al. (New York/Mahwah: Paulist Press, 2000), 977. See also his article “The End of the Imprimatur,” *The Jurist* 44 (1984): 339–56. On page 340, discussing the process of changing the norms on censorship, Coriden states, “The range of writings requiring the imprimatur was narrowed down to those few basic categories of works which are considered most ‘official’ and whose need for accuracy calls for special screening.” For an overview of canons 822 to 832, see the chart found in Appendix II of this essay.

least for me, is to stimulate discussion, reflection, and dialogue on this important apostolate and the means by which Jesuits fulfill their apostolic mission through the word.

Further, the United States Provincials, in issuing their *Protocols* through the Jesuit Conference, clearly perceive the importance of the norms covering publications (understood in its broadest sense). These Protocols invite all Jesuits to reflect upon the ministry of publication in light not only of the *Norms* but also of their own vocation, apostolate, membership in the Society and various Jesuit relationships both *ad intra* and *ad extra*.⁷

Specifically, I shall present the Norms governing publication by Jesuits and offer some commentary on them, aided by the recent letter from the Provincials of the United States. To provide a clearer foundation for understanding and implementing these *Norms*, I will first present two topics in summary form. The first concerns the issue of the "proper law" of the Society of Jesus and where this may be found. The second topic focuses on references in the *Constitutions* and the *Complementary Norms*⁸ to publications, primarily with the purpose of providing a specific context to allow for a proper understanding and application of the Norms by members of the Society of Jesus.

II. Proper Law of the Society of Jesus

As a general category, the phrase "proper law" pertains to persons rather than to territory and thus applies to specific persons independent of their physical location. Proper law in this sense would include the law governing specific religious institutes such as the Society of Jesus.⁹

⁷ In other words, reflection on the way the published word affects relationships among Jesuits themselves as well as its effect on the relationship between the Society as a whole and the Church and the world.

⁸ For both of these texts, I will refer to the following text: John Padberg, general editor, *The Constitutions of the Society of Jesus and Their Complementary Norms: A Complete English Translation of the Official Latin Text* (Saint Louis: Institute of Jesuit Sources, 1994). I shall cite this text as *Cons.Comp.Norms* with paragraph numbers preceded by "no."

⁹ Further, "proper law" is distinguished from "universal law" or, as it is also known, "common law (*ius commune*). "Universal law" refers to law involving the whole of the Latin Church, primarily but not exclusively: the *Code of Can-*

For the Society, the fundamental text in English is *Cons.Comp. Norms* (cited in footnote 8). This text includes the *Formulas of the Institute of Popes Paul III and Julius III*, the *Constitutions of the Society of Jesus*, and *Complementary Norms to the Constitutions of the Society of Jesus*. These texts “must be considered by all as the primary expression of our proper law and of our way of proceeding, so that the entire life of the Society may be inspired and governed by them.”¹⁰ Complementary texts include *Statutes on Religious Poverty in the Society of Jesus* and *Instruction on the Administration of Goods*.¹¹

Other texts, such as the *Manual for Juridical Practice*, serve as “practical and complementary instruments” for implementing those fundamental texts in the life of the Society and of individual Jesuits. A second example of a similar complementary text is *Practica Quaedam: Norms for Correspondence with Father General and Other Concrete Business Matters*.¹² These texts—inasmuch as they are secondary and dependent upon the

on Law [=CIC]; or for the whole of the Eastern Churches, *Codex Canonum Ecclesiarum Orientalium* [=CCEO] (Vatican City: Libreria Editrice Vaticana, 1990). The CIC is divided into 1752 canons distributed among seven books; certain canons are divided into paragraphs, indicated by canon number and the paragraph sign [§] and, at times, further divided into articles indicated by a number and the superscript *o* [°]. The CCEO is divided into thirty titles instead of other books but is otherwise cited as is the CIC. Finally, “particular law” governs particular territories, e.g., the United States, individual dioceses and archdioceses. Law for the United States includes norms established by the United States Conference of Bishops such as *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, second edition, approved 2006 as well as norms enacted by various bishops for their own diocese

¹⁰ Hans Zwiefelhofer, S.J., then Secretary of the Society of Jesus, “Introductory Notice,” *Manual for Juridical Practice*, vi. According to CIC c. 587 §1, the “fundamental norms” of an institute should deal with “governance, discipline of members, incorporation and formation of members and the proper object of the sacred bonds.” Such fundamental norms are “approved by competent Church authority and can be changed only with its consent.”

¹¹ Rome, General Curia of the Society of Jesus, 2005. In his “Preface,” Father Kolvenbach notes the difference between the Statutes and the Instruction; the former “brings together the various decrees of the General Congregations and the legislation of the Generals of the Society since the time of St. Ignatius on this matter” whereas the Instruction has as its purpose “to instruct and counsel Jesuits and others about the role of poverty in our management of the goods of ‘our Lord Jesus Christ and his poor’ that are entrusted to us.” The Instruction depends upon the Statutes, serving to implement those norms.

¹² Rome, Curia of the Superior General, 1991.

primary foundational texts—are capable of modification according to the needs of times and places, provided, of course, that they remain in agreement with their fundamental sources.¹³

The *Constitutions* and *Complementary Norms*

In the *Constitutions of the Society of Jesus*, Part VII: “The Relations to Their Neighbor of Those Already Incorporated in the Society When They Are Dispersed into the Vineyard of Christ Our Lord” includes the pertinent paragraph on publishing. Part VII is itself divided into four chapters:

1. Missions from the Supreme Pontiff
2. Missions received from the Superior of the Society.
3. A Member’s Free Movement from One Place to Another
4. Ways in Which the Houses and Colleges Can Help Their Neighbors

Chapter 4 contains the following provision in no. 653:

One who has talent to write books useful for the common good and who has written them ought not to publish any writing unless the superior general sees it first and has it read and examined, so that if it is judged apt to edify, it may be published, and otherwise not.

In his commentary on the *Constitutions*, Antonio de Aldama first notes the basic distinction within the provision between writing as an activity of the Society of Jesus and the qualities of such writing.¹⁴

In reference to the former, some concern arose in the early Society as to whether or not Jesuits ought to be writing and publishing books; nonetheless, Ignatius did consider writing to be one of the means to

¹³ See CIC c. 587 §4 which discusses the norms secondary to the more fundamental documents of the institute: “Other norms established by competent authority of an institute are to be collected suitably in other codes and, moreover, can be reviewed appropriately and adapted according to the needs of places and times.” Another important issue is the interpretation of law; e.g., the recognition that not every law creates an obligation to act or to refrain from acting; some norms are exhortatory, others reflect a specific philosophical theory and still others offer options.

¹⁴ Antonio M. de Aldama, S.J., *The Constitutions of the Society of Jesus. Part VII, Missioning* (Saint Louis, The Institute of Jesuit Sources, 1996), 217.

help the neighbor.¹⁵ In his work on the first Jesuits, John O'Malley notes that Jesuits only slowly grasped the usefulness of printing:

[I]t was inevitable, however, that the Jesuits turn to the printing press and Ignatius himself gave an impetus to it that the *Constitutions* do not reflect. He came to support especially two categories of publication—writings to refute the heretics and writings to aid Jesuits in their ministry. In a letter to Canisius, 13 August 1554, he encouraged Jesuits in Germany to counter Protestant pamphlets with their own, and he did the same in a letter to Nadal the next year. He encouraged Polanco to compile the manual for Jesuit confessors, Canisius to write his catechism, and Lainez to write a compendium of theology adapted to pastoral needs.¹⁶

Thus, from the time of Ignatius, Jesuits began to write and publish texts even though the *Constitutions* did not foresee large numbers of texts being published. As this ministry kept increasing, "it became more and more difficult for all the books to get the General's approval. This is why the provincials were subsequently given this power, partially first, for concrete cases, and then (with Roothaan and Beckx) in a more general way. They only reserved for themselves specific areas, such as books on the Institute."¹⁷

According to de Aldama, the ministry of writing required permission for two reasons: first, other apostolic works as profitable as writing also demanded good and able men and, second, to address specific difficulties which arose when ecclesiastical censors refused permission to publish works authors had already written. Further, if one has the talent to write, one should write; if one does not, then he must engage in some other fruitful ministry.¹⁸

De Aldama also refers to the quality of the writing, encapsulated by the phrase in no. 653, "useful for the common good" and "apt to edify." These terms indicate that Ignatius held writing to be similar to preaching and administering the sacraments, that is, writing has a supernatural end and purpose, the spiritual betterment of men and women: their goal is "intended 'to help and dispose souls to gain their ultimate end from the hand of God our creator and Lord [156].' This view is

¹⁵ Ibid., 219.

¹⁶ John O'Malley, *The First Jesuits* (Cambridge, Harvard University Press 1993), 114.

¹⁷ De Aldama, *Constitutions, Part VII*, 221–22.

¹⁸ Ibid., 219.

confirmed by what the constitution adds, that the book should be such that it 'will edify [653].'"¹⁹

Complementary Norms no. 296 modifies no. 653 of the *Constitutions*. The context for this paragraph is "Part VII, Chapter IV, The Ministries by Which the Society Fulfills Its Mission, 6. Intellectual Apostolate," 293–97. *Complementary Norms* no. 293 §1 states that "[r]esearch in philosophy and theology, in the other sciences and in every branch of human culture, is extremely necessary to fulfill our mission today and to help the Church to understand the contemporary world and speak to it the Word of Salvation."²⁰ From this foundation, no. 295 reminds us "we must always actively seek to understand the mind of the hierarchical Church, having as our goal the Society's objective to help souls." And no. 296 talks directly on the topic of this essay:

The office of writer should be regarded as a ministry that is most profitable to souls and altogether appropriate to the Society. Therefore, it is to be diligently encouraged by superiors. Regulations enacted both by the common law of the Church and our own Institute with regard to the publishing of books should be exactly and fairly put into practice.²¹

Both the *Constitutions* and *Complementary Norms* contextualize publishing as one of the ministries of the Society of Jesus. In de Aldama's outline, he includes "Chapter 4, Writing Books" among such apostolic works as "Good Example, Prayer that is Full of Desires, the Mass and other Divine Services; The Administration of the Sacraments; The Ministry of God's Word; the Corporal Works of Mercy; How the Colleges Can Help Their Fellowmen; and The House Rules."²²

Number 295, cited above, contains the phrase "hierarchical Church," a phrase perhaps coined by Saint Ignatius²³ and one which

¹⁹ *Ibid.*, 220. The reference in brackets to 156 is to that number of the *Constitutions*. Both "useful for the common good" and "apt to edify" are essential to a proper understanding and application of the norms on publishing; see below, "Norms and Praxis".

²⁰ *Cons.Comp.Norms* cites the following sources for this norm: "GC 33, d. 1, no. 44; see GC 31, d. 29; GC 32 d. 4, nos. 59–60; GC 34, d. 16, nos. 1–3."

²¹ *Cons.Comp.Norms* cites as its sources Father General's *Ordinatio* and *Normae* discussed in footnote 3 above.

²² See de Aldama, *Constitutions, Part VII, Table of Contents* vi–vii.

²³ See Avery Dulles, S.J., "Saint Ignatius and the Jesuit Theological Tradition," in *Studies in the Spirituality of Jesus* 14 (March 1982): 9–10: "Ignatius speaks with great affection of the 'hierarchical Church,' a term which he himself ap-

must be interpreted in view of his own ecclesiological mindset and spirituality. Hugo Rahner states, "Any attempt to interpret the *Exercises*, and, for that matter, the *Constitutions*, will always have to fall back on the fundamental principle of Ignatian theology: Spirit and Church. Or—which comes to the same thing—*unctio* and *ratio*, the unction of the Spirit and reason of the heart."²⁴ As one consequence, then, Rahner can also state, "The theology of the early Society of Jesus oscillated within this Ignatian dialectic: Spirit and Church, Christ and Pope, joy and cross, enthusiasm and reason."²⁵ From this dialectical perspective, Rahner addresses the issue of the early Jesuits being (either in the perception of others or in reality—or even both) as "hyper-papal (*papatissimi*)" by citing a letter from Nadal to Laínez: "Although the men of the Society are papists, they are this only where they absolutely have to be and in nothing more [*en lo que deven serlo y no en lo demás*]; and even then, only with an eye to the glory of God and the general good."²⁶ Thus, this dialectical perspective allows "not only for silent, unconditional service but also for honest criticism, in the balanced way described in the tenth *Rule for Thinking with the Church* (Exx. 362)."²⁷

There are more and varied opportunities offered for the Society to fulfill its mission in the proclamation and defense of the faith, in promoting justice, and in restoring positive dialogue and relationships between faith and culture.

The same quotation from Nadal is also cited by John O'Malley in *The First Jesuits* in a section subtitled "The Papacy and the Popes." O'Malley states that the first Jesuits did not have any official or fully articulated ecclesiology²⁸ and, too often, scholars attempting to recon-

parently coined." Cardinal Dulles cites Yves Congar, *L'Eglise de S. Augustin à l'époque moderne* (Paris, Cerf, 1970), 369 as a source.

²⁴ Hugo Rahner, *Ignatius the Theologian*, trans. Michael Barry (San Francisco, Ignatius Press, 1990), 235.

²⁵ *Ibid.*, 236.

²⁶ *Ibid.*, 237.

²⁷ *Ibid.*, 238.

²⁸ O'Malley, *First Jesuits*, 297.

struct their vision approach the topic too narrowly. In view of his own analysis, O'Malley concludes as follows:

The early Jesuits thus often described the church without reference to juridical structure and gave as much emphasis to the reciprocity of relationship among all members as they did to management from the top down. In other words, the horizontal dimension of the church was as strongly represented in what they wrote—as well as in how they operated—as was the vertical. What these scattered descriptions and metaphors point to, therefore, is the ecclesiological assumption found on practically every page of what they wrote. They projected from their own self-understanding: the church was “to help souls.” Like themselves, the Church accomplished this task in a variety of ways and through a variety of persons, relationships and institutions.²⁹

This broader understanding of the ecclesiology—its context within the Ignatian vision—is essential for a proper understanding of phraseology such as “hierarchical church” and for providing a means to avoid misunderstandings and misuse.

I will now turn to an examination of the *Norms* themselves. As a ministry of the Society, publishing must occur within the broader context of the Society of Jesus, its fundamental mission, and the intentions and desires of Saint Ignatius Loyola. This context gives a specifically Jesuit cast to publishing, one that is clarified through the specific norms governing this ministerial activity.

Father Kolvenbach on Publishing

As already noted, Father General Kolvenbach promulgated the current norms on February 4, 1987 in *Acta Romana Societatis Iesu* (see footnote 3). In his letter of promulgation, Father Kolvenbach begins by noting that the ministry of publishing proper to the Society has received new impetus in our times. There are more and varied opportunities offered for the Society to fulfill its mission in the proclamation and defense of the faith, in promoting justice, and in restoring positive dialogue and relationships between faith and culture.³⁰ He then cites General Congregation XXXIII: “Research in philosophical and theological

²⁹ Ibid., 298.

³⁰ See also *JCLetter* and *JCProtocols*; in *JCLetter*, the Provincials state, “The protocols seeks to provide a framework for transparency, taking full advantage of the opportunities to reach people in new ways while remaining true to our way of proceeding.”

knowledge and in other areas of knowledge and in every field of human culture is urgently required to help the Church to better understand the world of today and offer it the Word of Salvation."³¹

These norms replace those established by Father General Pedro Arrupe in 1967 and their later articulation in 1976 take into account not only the *Code of Canon Law* promulgated in 1983 but also the experience of prior proper law. The last paragraph, the formal notification of the norms, urges all members of the Society and especially superiors to be mindful of the Society's apostolate, which has as its goal the good of the neighbor and the Church's mission in today's world.³²

Books and Other Writings and Creative Works

Art. I: Norms from the Common Law

The first Article of this Appendix I in the *Manual for Juridical Practice* begins with nine norms taken from the common law (that is, from the *CIC* and/or *CCEO*).³³ The clearest way to present this material is through the chart provided in Appendix II of this essay, which lists the category of publication, states from whom approval or permission or license should be obtained, and provides the legal references to the *Manual for Juridical Practice*, the *Latin Code of Canon Law (CIC)* and the *Eastern Code of Canons of the Eastern Churches (CCEO)*.

These universal law norms concern certain fundamental texts essential to the Church and to her mission today, such as texts of the Scriptures, liturgical and catechetical works and prayer books for use by the Christian faithful. Given their importance, certain of these universal norms have been included in the proper law of the Society, but with cer-

³¹ GC XXXIII, d. 1, n. 44.

³² For the specific quotation, see Father Kolvenbach, *Ordinatio*: "Earum omnium observantiam tum sodalibus omnibus tum praesertim Superioribus commendo, eo potissimum desiderio [*sic*] ut hic apostolatus, sicut in votes Societatis semper fuit, stimuletur et foveatur et bono proximorum atque missioni Ecclesiae perfectius in dies inserviat."

³³ Appendix I of this essay includes a copy of the relevant norms. In the essay, I will use the numbering given in *Manual for Juridical Practice*, which numbers them consecutively with the 307 previous norms occurring in the body of that text; the pertinent number will have no. as prefix followed by a period. The second number in such citations—found in the *Manual* itself—refers to the numbering system found in *Normae* cited in footnote 3. Finally, I should note that, in the *Normae*, these nine norms comprise an appendix and are listed last; see pages 1022–24.

tain slight changes and omissions which do not significantly alter the norms.³⁴

One further implication should also be noted here: while these universal norms apply to all Catholics through their incorporation into the Church through baptism or a formal profession of faith, we must recognize that many people, Catholic and non-Catholic alike, commonly perceive Jesuits (and members of other institutes of consecrated life and societies of apostolic life) to represent (whether officially or unofficially, factually or not) the Catholic Church. Finally, the presence of these common norms in Jesuit proper law reflects the fact that the great variety of ministries which Jesuits exercise throughout the United States and the world necessarily occur within the context of the Catholic Church and its mission of evangelization. Jesuits form one part and are at the service of a larger reality.³⁵

This context of evangelization finds emphasis in documents issued by various Roman offices ("dicasteries"). For example, on March 30, 1992, the Congregation for the Doctrine of the Faith issued the *Instruction on Some Aspects of the Use of the Instruments of Social Communi-*

³⁴ For example, in no. 314 (citing c. 831 §1) the reference to the "Christian faithful" has been omitted, since no. 314 applies specifically to Jesuits. For ease of reference, Jesuit proper law combines norms found in two different books in *CIC*—from both "Book III, The Teaching Office of the Church, Title IV, Instruments of Social Communication and Books in Particular" and from "Book IV, The Sanctifying Office of the Church;" the latter explicitly cites the liturgical books. Similar changes are seen in comparison of footnote references to the *CCEO*; given the nature of the Eastern Churches, these canons take into account the governance structures and law of the various Churches *sui iuris* as well as the principle of subsidiarity.

³⁵ James Coriden also highlights another context for understanding these norms. In "Title IV, Instruments of Social Communication," Coriden states, "These regulations on the use of the media must be viewed against the background of the fundamental rights and duties of the Christian faithful: to help with the communication of God's message of salvation (c. 211), to make their needs and opinions known (c. 212), and to be informed (*Communio et Progressio* 119)" [977]. Men and women in institutes of consecrated life and societies of apostolic life do not lose these fundamental rights and duties when they freely enter into consecrated life, yet they must exercise them within the context of each one's institute as well as their own profession of vows or other bonds.

cation in *Promoting the Doctrine of the Faith*.³⁶ The Instruction begins by noting the importance of various publishing media:

The social communications media surely have to be counted among the most effective instruments available today for spreading the message of the Gospel. Not only does the Church claim the right to use them (cf. can. 747); she also encourages Bishops to take advantage of them in fulfilling their mission (cf. can. 822, §1). . . . Religious superiors, especially major superiors, also have specific responsibilities in this regard by virtue of their disciplinary authority. [*Instruction: Introduction*]

Further:

The norms of canon law guarantee the freedom of all: whether it be the individual Christian faithful who have a right to receive the Gospel message in all its integrity and purity or those engaged in pastoral work, theologians, and all Catholics engaged in journalism who have the right to communicate their thought while maintaining the integrity of the faith and the Church's teaching on morals and due respect for the Bishops. By the same token, civil laws regarding the dissemination of information should protect and foster the right of all who use the social communications media to a truthful presentation of the facts. They likewise assure journalists in general of the right to communicate their thought within the limits of a professional code of ethics which also has concern for the way in which religious topics are handled. [*Instruction: Introduction*]

*Ignatius's service of the Church
and of the pope was service of the
Lord; in other words, the call to be
companions of Jesus occurs within
the Church and at the service of
the pope as the head of the Church.*

In reference to institutes of consecrated life and societies of apostolic life, the Instruction notes:

§2. Apostolic action on the part of religious institutes is to be exercised in the name and by the mandate of the Church and should be carried out in communion with her (cf. can. 675, §3). The prescription of can. 209, §1 on the obligation which all the Christian faithful have always to maintain communion with the Church in their patterns of activity has particular

³⁶ Congregation for the Doctrine of the Faith, instruction, March 30, 1992, *Instruction on Some Aspects of the Use of the Instruments of Social Communication in Promoting the Doctrine of the Faith*, available on the web at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19920330_istruzione-pccs_en.html

application in the case of religious. [Instruction: III, Responsibility of Religious Superiors, 16].

Other curial documents also echo the importance of new media in evangelization:

Since announcing the Good News to people formed by a media culture requires taking carefully into account the special characteristics of the media themselves, the Church now needs to understand the Internet. This is necessary in order to communicate effectively with people—especially young people—who are steeped in the experience of this new technology, and also in order to use it well. The media offer important benefits and advantages from a religious perspective. [*The Church*: 5]³⁷

Such concern for evangelization relates not only to the norms common to universal law, but also the norms of the Society of Jesus, to which I shall now turn.

Art. II. Norms Proper to the Society of Jesus

Article II is entitled “Norms Proper to the Society of Jesus” and is divided as follows:

1. “General principles”: no. 317. 1–320. 4;
2. “Publications which require the permission of superiors”: nos. 321. 5–326. 10;
3. “The competent authority for giving permission”: nos. 327. 11–332. 16;
4. “Prerequisites for permission to publish”: nos. 333. 17–337. 22;
5. “The function of the expert examiner”: nos. 338. 22–342. 26;
6. “What is to be done after permission to publish has been given”: nos. 343. 27–345. 29;

Thus, Article II flows in an orderly progression, reflecting the process through which Jesuit works become published

1. “General Principles” serves to provide a foundation for the ministry of publishing by members of the Society through basic principles that govern this work. To a certain extent, the “Principles” specifically and the *Norms* in general find their value, aim, and importance in the foundational documents of the Society: the *Constitutions*, the *Comple-*

³⁷ Pontifical Council for Social Communications, February 22, 2002, *The Church and Internet*, available at http://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20020228_church-internet_en.html

mentary Norms and the *Spiritual Exercises*. In other words, the Norms presuppose and build upon the purpose and aim of the Society.

The first general principle, no. 317. 1, finds its origin and spirit in *Complementary Norms* 293–96, already discussed, which in turn is founded upon the *Constitutions*, no. 653. Communicating and publishing the results of one's research in the sacred sciences and in other aspects of culture is "a preeminent way of fulfilling the mission proper to the Society" and thus such a ministry should be both highly regarded and promoted. Nonetheless, at the same time, such

Rather, reverence and fidelity are placed within the specific context of the purpose of the Society of Jesus as a religious institute in the Church.

ministry—as with all ministries of the Society—must have as its aim and purpose "the benefit and development of the neighbor" as well as "the spiritual good of individuals and the progress of the Church."

The second norm deserves to be quoted in its entirety, as it flows from the first and underlies the other norms:

No. 318. 2. The most important norm of the Society concerning the publishing of books, articles and other works intended for wide circulation by audio-visual means is to be found especially in the personal responsibility of each Jesuit to keep constantly in mind his apostolic ecclesial mission for the spiritual good of others and his belonging to the body of the Society. Thus whatever he writes or sets forth can have repercussions on other members of the Society.

A Jesuit, therefore, whose mission given by his superior includes publications and disseminating information, must remember that he is not an isolated individual. As a member of an institute of consecrated life recognized in the Church and, if he is ordained, as a public minister representing the Church, then, for good or for ill a Jesuit must recognize that his work reflects on both the Church and the Society. At the same time, the norm recognizes that each Jesuit holds the primary responsibility for ensuring that the works he publishes do in fact work for the spiritual good of others and will not bring disrepute upon the Society.³⁸

³⁸ An analogous situation arises in reference to the responsibilities of the diocesan bishop to the diocesan clergy incardinated in his diocese. While canon law recognizes that the bishop must ensure that his priests fulfill their responsibilities, the law also recognizes that this is not a one-sided obligation.

As for the meaning of “works intended for wide circulation,” the U.S. Provincials stated that the norms for publishing as well as their own Protocols

... serve as a practical reference for superiors and individual Jesuits applying our way of proceeding to “new media” such as blogging or Podcasting. While citing a few specific examples of “new media,” they are not meant to be exclusive of other examples. One should prudently include all activities that are of a similar nature to those mentioned in the Protocols. [*JCLetter*]

The *JCProtocol* further specifies “new media”:

Publishing includes books, articles, letters to the editor, etc. Blogs and personal websites are also considered publishing. Therefore a Jesuit must consult his local superior and receive written permission before undertaking these ventures. Blogs and personal websites should include a clear disclaimer that the content is solely that of the individual and does not necessarily represent the Society of Jesus. [*JCProtocol*]³⁹

As one consequence of his personal responsibility, therefore, each Jesuit engaged in publishing does so as a member of the Society and thus should maintain “the tradition in the Society of serving the Church by explaining, propagating and defending the faith.” Thus, Jesuits should be “mindful of their obligation of reverence and fidelity toward the magisterium of the Church” especially in reference to the pope and those who share the pastoral office with him (no. 319. 3). Certain practical aspects of the exercise of this responsibility will be discussed below in the section entitled “Norms and Praxis.”

An analysis of the phrase, “obligation of reverence and fidelity” requires an essay in itself. In his thoughtful and important monograph,

Each priest must recognize and exercise his own personal responsibility to fulfill the demands imposed on him by ordination, incardination and a specific *munus* (function, broadly understood) entrusted to him by his bishop and, reciprocally, the bishop must recognize his own responsibility to encourage and support his priests. In as much as the bishop can and must presume the cooperation of his priests, so too does a Jesuit superior presume the cooperation of those Jesuits entrusted to his care and the latter will respond positively to the efforts of their superiors.

³⁹ It is important to note that, while a disclaimer might acknowledge and call attention to the difference between an individual Jesuit and the Society of Jesus considered as a whole, nonetheless, each Jesuit should be mindful that his work may be interpreted, criticized, or understood as reflecting the position of the Society on a specific issue.

"Ignatius, the Popes and Realistic Reverence," John Padberg, S.J., offers some insight into an understanding of this phrase.⁴⁰ In his "Questions and Conclusions," Padberg notes the complex inter-relationship between Ignatius and the popes he served and the various events that influenced this relationship, both positively and negatively. He then states:

Finally, underlying all this was [Ignatius's] feeling of being at home in a Church composed of sinners, of saints, and of everything in-between, but a Church that was still, as Ignatius says in various places, our mother, a hierarchical body, Christ's kingdom, the community of the faithful, the vineyard of the Lord in which the Society was to work, Christ's mystical body governed on earth by his vicar. Ignatius wanted to serve that Church through the pope, because the pope had the most all-embracing view of the needs of the Church, the spouse of Christ, who above all and beyond all was the term of service and love.⁴¹

Understanding today the "obligation of reverence and fidelity," then, involves an understanding of Ignatius's own experience of the Church and of the papacy, our own experience of these realities as well as the experiences of those with whom we are engaged apostolically.⁴² Ultimately, Ignatius's service of the Church and of the pope was service of the Lord; in other words, the call to be companions of Jesus occurs within the Church and at the service of the pope as the head of the Church.⁴³ Such an understanding does not take away the obligation of reverence and fidelity; rather, reverence and fidelity are placed within the specific context of the purpose of the Society of Jesus as a religious institute in the Church.⁴⁴

⁴⁰ John Padberg, S.J., "Ignatius, the Popes and Realistic Reverence," *Studies in the Spirituality of Jesuits* 25/3 (May 1993): v, 1–38.

⁴¹ *Ibid.*, 32.

⁴² See *ibid.*, 34–35.

⁴³ See Father Kolvenbach's comments on the *Instruction on the Administration of Goods* in note 11: while the text is (both in intention and content) eminently practical, such practicality is necessarily rooted in the fact that temporal goods belong to Jesus Christ and to his poor; similarly, the obligation of reverence and fidelity finds its fuller meaning in the service of Jesus Christ and his people. Neither of these perspectives denies that Jesuit ministerial activity occurs, for the most part, in the Catholic Church, but rather that the Catholic Church finds its origin, mission, and teleology in the service of Jesus Christ and His People.

⁴⁴ Similarly, understanding Ignatius's concept of thinking with the Church requires such a contextual approach. See, for example, Douglas Marcouiller, S.J.,

According to no. 320. 4 the work being disseminated should possess four characteristics:⁴⁵ First, the work should be useful, congruent with the mission and works of the Society; this ties in with the first article, no. 317, as well as the fundamental texts of the Society. Second, the work "should

The 1971 pastoral instruction Communio et Progressio states, "Since the Church is a living body, she needs public opinion in order to sustain a giving and taking between her members."

be better than average in its category" thereby fulfilling the expectations of those for whom it is intended. Third, the subject matter "should agree with the doctrine of faith and morals as proposed by the magisterium of the Church with due regard for legitimate freedom of

research." no. 320. 3° makes a distinction between materials that are disseminated for a general audience as opposed to those which are destined for experts in the field. Not only does the distinction arise from the nature of the material itself but is one that the Congregation for the Doctrine of the Faith (CDF) recognizes. In a 1990 document, the CDF stated,

If, despite a loyal effort on the theologian's part, the difficulties persist [that is, concerning the acceptance of a non-irreformable magisterial teaching], the theologian has the duty to make known to the Magisterial authorities the problems raised by the teaching in itself, in the arguments proposed to justify it, or even in the manner in which it is presented. He should do this in an evangelical spirit and with a profound desire to resolve the difficulties. His objections could then contribute to real progress and provide a stimulus to the Magisterium to propose the teaching of the Church in greater depth and with a clearer presentation of the arguments. In cases like these, the theologian should avoid turning to the "mass media," but have recourse to the responsible authority, for it is not by seeking to exert the pressure of public opinion that one contributes to the clarification of the doctrinal issues and with a clearer presentation of the arguments.⁴⁶

"Archbishop with an Attitude: Oscar Romero's *Sentir con la Iglesia*," in *Studies in the Spirituality of the Jesuits* 35/3 (May 2003).

⁴⁵ See *JCLetter* and *JCProtocols*, both of which cite these four characteristics, emphasizing their importance for the Society.

⁴⁶ Congregation for the Doctrine of the Faith, *Instruction on the Ecclesial Vocation of the Theologian* (Washington, D.C., uscc 1990), no. 30, 18–19. See also that Congregation's *Instruction on the Use of the Instruments of Social Communication* cited in note 36 which strikes a balance between the authority of the dio-

Works submitted—and thereby judged as acceptable or not—to other experts in the same field aims at the progress of understanding and appreciation for the truths of the faith. In other words, the Jesuit author needs to adapt that which is published to the abilities of the audience:

Jesuits also edit multi-language periodicals throughout the world. They do so because they want to communicate the message of salvation to their brothers and sisters with whom they collaborate in research projects or in discussing important issues of the day. These magazine and journals are geared to different types of readers. Some are highly scientific and therefore intended for special groups of scholars and specialists in a particular field of knowledge; then there are magazines of “more general interest,” where the news of the day is looked at according to different points of view and then analyzed according to true humane and Christian values; there are also reviews which are theological, philosophical, scientific or literary in scope.⁴⁷

The end is the same—proclaiming the message of salvation, the good of the neighbor, the mission of the Church—but the means are different, necessarily adapted to the needs and capacities of the audience. Thus, the requirements imposed on authors are different as well.

As already noted (in footnote 35) James Coriden situates the norms on media within the context of the fundamental rights and obligations of the Christian faithful, including the right to make their needs and opinions known to others, found in canon 212, §3:

According to the knowledge, competence and prestige which they possess, they have the right and even at times the duty to manifest to sacred

cesan bishop and the prudential exercise of such authority. The *Instruction* states in part, “Bishops, in as much as they are pastors and the ones primarily responsible for correct teaching about faith and morals (*cf. cans. 386; 392; 753; and 756, §2*), should make timely if prudent exercise of their right and duty of vigilance within their own diocese and proper jurisdiction” [*Instruction: I. Bishops’ Responsibilities in General, 1.4*]. Immediately prior to this statement, the text exhorts bishops: “Bishops should maintain continual contact with the cultural and theological world of their respective dioceses. In this way, any difficulties arising may be quickly resolved through a fraternal dialogue which provides the interested parties with an opportunity to make the needed clarifications. In following the procedures of canon law, disciplinary measures would be the last means to be applied (*cf. can. 1341*)” (*Instruction: I. Bishops’ Responsibilities in General, 1.3*).

⁴⁷ Simon Decloux, S.J., *The Ignatian Way* (Chicago, Loyola University Press, 1991), 52–53.

pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.

The 1971 pastoral instruction *Communio et Progressio* states, "Since the Church is a living body, she needs public opinion in order to sustain a giving and taking between her members. Without this, she cannot advance in thought and action. 'Something would be lacking in her life if she had no public opinion. Both pastors of souls and lay people would be to blame for this.'"⁴⁸ Interestingly enough, the last sentence in single quotation marks derives from Pope Pius XII.⁴⁹

The last norm in this section on general principles summarizes the basic attitude that should influence everything that is published as well as the authors. No. 320. 4° states, "The writings should contain nothing that could justifiably give offense to other persons, groups, nations or institutions."⁵⁰ Such a norm should apply not only to the ministry of publishing but all ministerial activity.

III. Publications Requiring Permissions

Number 321 states as a general principle that Jesuits need written permission prior to making material available for public dissemination. The competent superior (to be discussed below) determines whether or not permission for issuing translations is necessary, provided the author of the original text had received permission to publish. The same principle governs the publication of second

⁴⁸ Pontifical Council for Social Communications, pastoral instruction, *Communio et Progressio*, "On The Means of Social Communication Written by Order of the Second Vatican Council,) May 23, 1971, available at http://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_23051971_communio_en.html, no. 115

⁴⁹ *Communio et Progressio* cites the following as the origin of the quotation: Pius XII, Allocution given on February 17, 1950, to those who were in Rome to participate in the International Congress for Editors of Catholic Periodicals, *Acta Apostolicae Sedes*, 18 (1950): 251.

⁵⁰ Note the adverb "justifiably" which modifies "give offense." In other words, civil authorities condemned for the unjust persecution of individuals for religious or political beliefs cannot be considered justifiably offended by such condemnation.

and further editions of works if changes have been introduced (no. 322. 6). Publications necessary for the fulfillment of a mission given by a superior (class notes, outlines, syllabi, etc.) do not require permission to be issued but copies should be made available to the superior of the community or the director of the work (no. 323. 7).

I had discussed above publications that require permission to publish from the Holy See or from the local Ordinary (see Appendix II); prior to requesting such permission, the Jesuit should first seek permission from the competent superior in the Society (no. 324. 8). For occasional work in radio or television, the Jesuit should follow the common norms outlined above (nos. 317–20. 1–4) as well as the norms established by the conference of bishops for his territory if he is discussing faith or morals. Regular cooperation with the media requires permission of the provincial (no. 325. 9). The Provincials of the United States took cognizance of this when they stated that

[t]he occasional granting of media interviews would include responding to a periodic request from a reporter for a quote. However, Jesuits should be sensitive to situations where the provincial for special circumstances may require that media requests be coordinated through the province office or other designated person before a response is to be given. [*JCProtocol*]

A related issue centers on the question of “being quoted out of context”; that is, reporters might edit a five minute explanation into a ten word quote. A Jesuit who offers commentary to various media must use caution to insure his remarks are not only used correctly but also correctly and properly understood and presented to the readership.

The last norm in this section is an eminently practical one: before embarking on a major writing task or translation, or soon after beginning it, the Jesuit should discuss the matter with his superiors (no. 326. 10). Implementing such a practice could assist in avoiding unpleasant surprises for the author after he has invested much time, study, and effort into a work which, for a variety of reasons, might never be published.

The Competent Authority

As with the norms in common law, certain texts considered essential or of greater importance require permission from higher authority. Thus, the General gives permission to edit commentaries on the Institute, commentaries that the provincial deems “major” (no. 327. 11). The provincial is competent to grant permission to publish other works,

including collaborative works, works in non-Jesuit publications, and works using any audio-visual format. (no. 328. 12)

Permission to write for periodicals that habitually attack the Catholic Church or morals must be requested from the local ordinary through the provincial (no. 329. 13). The superior can grant permission to write for newspapers, unless for some reason (the specific paper itself, the subject matter, opportuneness of responding, the possibility of exacerbating the situation, etc.) he determines that he needs to consult the provincial (no. 330. 14).

The provincial can grant delegated authority to presidents of academic institutions or directors of communications media proper to the Society allowing them to give Jesuits the necessary permission to publish works under their direction. This would also include, for example, editors of reviews.⁵¹ Those who receive such delegated authority are responsible both to Society and ecclesial authorities in reference to that which pertains to faith and morals (no. 331. 15). In this section, "provincial" refers to the provincial of the author; if the publisher is in another province, the provincial of that province must also give consent (no. 332. 16).

The next five norms specify the requirements before the competent Society authority gives permission to publish. The opinion of "at least one expert" should be sought if the subject matter concerns religious or moral issues or related topics; more experts can be consulted if necessary or if the first expert urges non-publication (no. 333. 17). If the subject matter is not religious or moral (or topics closely related to either), the superior can give permission, with or without the opinion of an expert. The Superior bases his decision upon the competence of the author and can give general permission to publish, provided it does not concern those reserved topics (no. 334. 18).

No. 335. 19 provides for a unique situation. If special circumstances—not further specified—recommend immediate publication in a newspaper, without time available to consult an expert, the superior can grant permission, with or without ascertaining the opinion of his consultors. If the matter is so urgent, the article may be published provided that the general norms in 317 to 320 are observed (that is, the nature of ministry in the Society; the personal responsibility of the author; reverence and fidelity toward the Church's magisterium; and the qual-

⁵¹ De Aldama, *Constitutions, Part VII*, 222.

ity, utility, congruity with Church teaching, and non-offensive nature of what is to be published).

No. 336. 20 further specifies the role of experts. If the expert or experts judge that the material can be published, the superior can either permit or refuse publication; in other words, in this situation, he is not bound to allow publication simply due to a positive assessment from an expert. If more than one expert determines that something should not be published, the superior cannot grant permission to publish. If, however, one of a group of experts approves the matter for publication, the superior can grant permission to publish, provided the author makes any corrections which the superior deems necessary.

The expert needs to keep in mind that he should not "restrict unjustly personal freedom of research or opinion in matters which can freely be disputed among Catholic authors" and should consider both the type of periodical where the work will be published as well as its readership.

If the competent superior decides not to give permission to publish, he must present his reasons to the author of the work. For his part, the author has the right of appeal against the decision not to publish (no. 337. 21).⁵²

The Expert Examiner

Five norms govern the function of the expert examiner. The first, no. 338. 22, offers foundational principles: the examiner must remember that he is responsible both to the Society and to the Church, and he should exercise his function while "keeping in mind the spiritual good of others, the teaching of the Church and the way of proceeding proper to the Society."

Further, no. 339. 23 reminds us that the expert must put aside "all deference to the person," or, in other words, he should avoid making a preliminary judgment on the work being assessed due to the person of the author or the office someone holds. For example, "As the work of Father Provincial, it must be without error" or "Father Smith has two doctorates and therefore he knows what he is talking about." The ex-

⁵² Such recourse is also found in the universal law, *CIC* . 1732–39.

pert should base his assessment on the four criteria specified in no. 320.4 (that is, the nature of ministry in the Society; the personal responsibility of the author; reverence and fidelity toward the Church's magisterium; and the quality, utility, congruity with Church teaching, and non-offensive nature of that to be published.). The expert needs to keep in mind the distinction made both in no. 320. 4. 3° and the CDF *Instruction on the Ecclesial Vocation of the Theologian*,⁵³ that is, he should not "restrict unjustly personal freedom of research or opinion in matters which can freely

Superiors given the responsibility to ensure compliance with the norms of the Society concerning publications should and can presume that they are working with adults who are responsible and capable of mature decisions.

be disputed among Catholic authors" and should consider both the type of periodical where the work will be published as well as its readership.

The expert should give his opinion concerning whether or not the work should be published; the ex-

pert might suggest certain emendations. In the latter case, the expert should specify whether publication should depend on the incorporation of such emendations in the work (no. 340. 24). The opinion is given to the superior who should not reveal the examiner's name unless the examiner has so agreed to such release (no. 341-25). Finally, if for some reason, such as the difficulty of the subject matter, the provincial thinks consultation with the General is necessary, he should send the work and the judgment of the expert(s) to him (no. 342. 26).

No. 343. 27 establishes specific norms for the publisher of the work: the type of publication should correspond with the type of work; contracts for publication cannot be made until permission to publish has been obtained or the competent provincial has dispensed from this requirement; the provincial approves contracts before they are signed. Information about and copies of the works are sent to the General and provincial following the norms found in *Practica Quaedam*.⁵⁴

If a Jesuit were to publish something or hold a press conference without first obtaining permission from the competent authority, the

⁵³ See footnote 46.

⁵⁴ See Part Three: Annual Documents and Other Information, Section 1: Annual Documents, VIII. Publications, *Practica Quaedam* nos. 219-21, 58-59.

superior who should have been asked “should discuss the matter with him and make appropriate decisions” (no. 345. 29.1°). Finally if a Jesuit were to publish something “contrary to our way of helping the neighbor and serving the Church,” the provincial first discusses the matter with the individual, and then confers with his consultors and other experts, if necessary. The provincial should then take “effective means to safeguard the spiritual good of others and the interests of the Church and the Society.” To achieve this end, the provincial might require a clarification, a public retraction, or other fitting actions.

IV. Norms and Praxis

The law—both of the Society and of the Church as a whole—intends to foster the proclamation of the good news of Jesus Christ and consequently to encourage the various ministries through which such proclamation is achieved. As we have seen through the analysis of various documents, the apostolate of the Society (and that of publication in particular) must have as its goal such characteristics as “useful for the common good” and “apt to edify” (footnote 19); “the good of the neighbor and the Church’s mission in today’s world” (p. 11); “the spiritual good of individuals and the progress of the Church” (p. 15); and each Jesuit’s “personal responsibility . . . to keep constantly in mind his apostolic ecclesial mission for the spiritual good of others and his belonging to the body of the Society” (p. 15). This intentionality, however described, must form the focus of every Jesuit engaged in any of the myriad of works through which the Society fulfills its mission.

In such fulfillment of the Society’s mission, law—and the Society—presumes⁵⁵ adult human responsibility, discerning judgment, and awareness of the broader context, including responsibility for consequences that may or do arise from such individual activities and ministries.

The *Code of Canon Law* contains a list of obligations and rights (cc. 208–23) and, more specifically, obligations and rights of the lay Christian faithful (cc. 224–31). But, unlike civil societies, where the fulfillment of obligations and the exercise of rights often place the individual

⁵⁵Canon 1584 of the *cic* states: “A presumption is a probable conjecture about an uncertain matter; a presumption of law is one which the law itself establishes.” A presumption, however, can and must be overturned by evidence to the contrary.

in opposition over and against the larger group, the Church provides a specific context for such exercise and fulfillment: the obligation to maintain communion with one another (c. 209) and a recognition that the common good of the Church as a whole must take priority over the individual exercise of rights and the fulfillment of obligations.

Thus for a Jesuit, the "common good" both of the Church and of the Society of Jesus must exercise a strong influence on his ministry. In the ideal situation, Jesuit superiors would find little need to compel under the vow of obedience in as much as an individual Jesuit freely presents himself for service in the Church and trusts his superiors with the discernment skills necessary to make decisions concerning assignments, ministry, residence, etc.

More particularly, superiors given the responsibility to ensure compliance with the norms of the Society concerning publications should and can presume that they are working with adults who are responsible and capable of mature decisions. For example, when a Jesuit has completed the arduous process of obtaining a doctoral degree and has been missioned by his superior (first to doctoral studies and then to a specific ministry involving the exercise of his learning),⁵⁶ then his superior may presume that the Jesuit knows the Society's law about publishing and should effectively implement that law in his publications.

A university teaching position requires publishing articles and books (the "publish or perish syndrome" prevalent in academic circles) in order to obtain tenure and to maintain one's position in the educational institution and field. The provincial has already made a decision concerning the individual by approving him for doctoral studies and the individual has proven himself by successfully writing and defending his dissertation. Provided nothing has arisen to cause the provincial concern, the provincial trusts the individual Jesuit to exercise responsibly his obligation of publishing. This particularly pertains to the situation where the individual teaches a discipline not connected with religious or moral questions (see no. 334. 18). In the areas of religion and morality, there is no requirement that the examiner be a member of the Society (though he or she should be familiar with the Society's reasons and goal of publishing). Thus, the individual Jesuit and his provincial may consider the editor of a Catholic periodical—the one who decides whether or not to publish a submitted article—to be a competent expert.

⁵⁶ Ultimately, even if a Jesuit finds and secures such employment on his own, his ability to do so arises because he has been missioned by his superiors.

Clearly, Jesuits have manifested ability in a specific field by obtaining an advanced degree. For Jesuits who are missioned to other apostolates, their expertise in a given field is manifested in a variety of ways. For example, a gifted retreat and spiritual director demonstrates his expertise in this ministry by offering his views and opinions which in turn find acceptance among other experts in that field. In other cases, Jesuits offer articles and material for publication to Jesuit periodicals. In the usual scenario, the Jesuit editor has been given the authority to allow publication of such materials by being missioned to that position.

It is most important that the provincial know his men and their competence for a specific ministry and their competence and balance in publications, in the broadest sense of the term. This, from one perspective, highlights the importance of the manifestation of conscience in the life of the Society and of its individual members.

Nonetheless, problems can and do arise; at times, due to the Jesuit's lack of discernment but at other times not from any lack of responsibility, but due to particular circumstances of time and place. For example, a Jesuit because of his expertise is invited to contribute an article on a particularly vexing subject and one that he knows may give rise to controversy. It would be relatively easy first to dialogue with his provincial on the matter; and if permission were given to publish, then the provincial would be better prepared to deal with any effects that may arise.

In all such dealings charity is essential—both within the Society and without. In other words, this exercise of charity includes the specific admonition not to cause offense—to others outside the Society but also, just as importantly, to one's own brothers in the Society. The aim of publishing is to promote learning, foster dialogue and understanding, and, ultimately, no matter the specific subject, to proclaim the gospel of Jesus Christ.

Familiarity with these norms is necessary, not simply because they are laws but rather to gain an understanding of the underlying rationale and teleology for the ministry of publishing, to situate this ministry within the broader context of the Society of Jesus and the Church, within the context of service of neighbor and of the Church's mission.

V. Concluding Remarks

The Norms proper to the Society of Jesus refer twice to one of the general principles, namely, no. 320. 4, the four characteristics of Jesuit publishing. The emphasis on these characteristics may serve as a principle of interpretation for the norms themselves as well as their application by superiors, examiners, and all members of the Society and thus deserves to be quoted in full:

1. The subject matter treated should be useful, according to the apostolic goal and mission proper to the Society.
2. The work to be published should be better than average in its category and thus come up to the legitimate expectations of those for whom it is intended.
3. The subject matter should agree with the doctrine of faith and morals as proposed by the magisterium of the Church, with due regard for legitimate freedom of research, when there is a question of writings which by their nature or by reason of the journal in which they are to be published are destined only for experts in the matter.
4. The writings should contain nothing that could justifiably give offense to other persons, groups, nations, or institutions.

These characteristics demonstrate that the norms on publishing—as with other norms in our proper law or in universal law—are at the service of the Society and of the Church and her mission.⁵⁷ Their aim is to facilitate the mission of the Society, and thus they are rooted in the Society's fundamental texts as well as its way of proceeding and its history, including the various missions entrusted to her throughout her history. And, to a certain extent, the norms reflect common sense, especially the fourth: publications must serve the greater good and not merely the individual author or the author's particular agenda.⁵⁸

The Provincials of the United States have expressed their perspective:

⁵⁷ The final canon of the *CIC* (c. 1752) provides a foundational principle: "the salvation of souls . . . must always be the supreme law in the Church" [*salus animarum . . . in Ecclesia suprema semper lex esse debet*].

⁵⁸ In a similar way, the exercise of obligations and rights by the Christian faithful is conditioned by the obligation to remain in *communio* with the whole Church (*CIC*, c. 209) and by the needs of the common good (*CIC*, c. 223). Rights and obligations exist within the community of faith and are at its service.

The Provincials recognize that one cannot legislate for every instance of potential misuse. The Society must rely and call upon the goodwill and good judgment of each Jesuit regarding the appropriateness of public commentary. Therefore, the goal is to provide a framework for transparency, while not discouraging communication. [JCPProtocol]

In other words, a proper balance needs to be maintained, entailing both personal responsibility and a recognition of the responsibilities inherent in *communio*.

In the practical dimension, familiarity with these norms is necessary, not simply because they are laws but rather to gain an understanding of the underlying rationale and teleology for the ministry of publishing, to situate this ministry within the broader context of the Society of Jesus and the Church, within the context of service of neighbor and of the Church's mission. Obtaining a positive assessment by an examiner and securing permission to publish have purpose and value inasmuch as they assist the individual Jesuit in fulfilling his ministry as a Jesuit.

As for the goal of the norms, I would return to Antonio de Alameda's quotation from the *Constitutions*, no. 154: they are intended "to help and dispose souls to gain their ultimate end from the hand of God our creator and Lord." The practice of mere legalism—following the law simply because it is the law—often does injustice to the underlying purpose or intention of a particular norm. Jesuits involved in publishing—understood in its broadest sense—are engaged primarily and fundamentally in a ministry and are at the service of Jesus Christ, as well as the Society itself and the Church. These norms should therefore serve as one means to make such ministry better and more fruitful. At times, a Jesuit engaged in a specific ministry—publishing, teaching, chaplaincy, administration—needs to be reminded of the broader perspective of the Society's life and mission; the Jesuit author, more specifically, needs to be made aware of other issues as well as of implications from a particular work he has produced. That broader perspective echoes throughout the foundational documents of the Society including the "Principle and Foundation." *Constitutions*, no. 3 expresses that perspective in the following way:

The end of this Society is to devote itself with God's grace not only to the salvation and perfection of the members' own souls but also with that same grace to labor strenuously in giving aid toward the salvation and perfection of the souls of their neighbors.

Such service must characterize all ministries of the Society.



APPENDIX I

Select Passages from

The Manual for Juridical Practice of the Society of Jesus

*Books and other writings and creative works intended
for publication in any way*

Art. I. Norms taken from the common law

308. Books of the Sacred Scriptures cannot be published unless they have been approved either by the Apostolic See or by the conference of bishops; for their vernacular translations to be published it is required that they likewise be approved by the same authority and also annotated with necessary and sufficient explanations.¹

309. It is for the Apostolic See to publish the liturgical books; it pertains to the conference of bishops to publish translations of the liturgical books with the prior review of the Holy See. For the reprinting in whole or in part of liturgical books as well as their vernacular translation, the Ordinary of the place in which they are published must attest that they correspond with the approved edition.

310. Prayer books for the public or private use of the faithful may not be published without the permission of the local ordinary.

311. For their publication, catechisms and other writings dealing with catechetical formation or their translations need the approval of the local Ordinary or of the Conference of Bishops with the prior approval of the Apostolic See.

312. §1. Books which treat questions of sacred scripture, theology, canon law, church history or which deal with religious or moral disciplines cannot be employed as the textbooks on which instruction is based in elementary, middle or higher schools unless they were published with the approval of the competent ecclesiastical authority or subsequently approved by it.

§2. It is recommended that books which deal with the matters mentioned in §1 be submitted to the judgment of the local ordinary; the same is true for writings in which something is found to be of special concern to religion or to good moral behavior.

¹ This English translation is from *Manual for Juridical Practice of the Society of Jesus* (Rome: Curia of the Superior General of the Society of Jesus, 1997), 167–77. As Hans Zweifelhofer, Society of Jesus, then Secretary of the Society, explains in his introduction, the *Manual* does not substitute for the *Constitutions and Complementary Norms*, but rather forms a practical and complementary instrument to them [vi].

§3. The approval or permission to publish some work applies to its original text, but not to new editions or translations of it.

313. Books and other writings which treat of questions of religion or morals cannot be exhibited, sold, or distributed in churches or oratories unless they were published with the permission of the competent ecclesiastical authority or they were subsequently approved by it.

314. §1. Without a just and reasonable cause religious are not to write anything for newspapers, magazines or periodicals which are accustomed to attack openly the Catholic religion or good morals; and they are to do so only with the permission of the local Ordinary.

§2. It is the responsibility of the conference of bishops to establish norms concerning the requirements for clerics and members of religious institutes to take part in radio or television programs which deal with questions concerning Catholic teaching or morals.

315. §1. Unless otherwise established, the local ordinary whose permission or approval to publish books is to be sought according to canons 309–313 is the proper local ordinary of the author or the ordinary of the place in which the books are published.

§2. Moreover, unless otherwise evident, the prescriptions concerning books are to be applied to any writings whatsoever which are destined for public distribution.

316. In order for members of religious institutes to publish writings dealing with questions of religion or morals they also need the permission of their major Superior in accord with the norm of their Constitutions.

Art II. Norms proper to the Society of Jesus

General Principles

317. 1. The ministry of communicating the results of one's own research in the sacred sciences and in every branch of human culture, and of publishing information for the benefit and development of the neighbor, is to be highly regarded in the Society and to be promoted by appropriate means, for the spiritual good of individuals and the progress of the Church, as a preeminent way of fulfilling the mission proper to the Society.

318. 2. The most important norm of the Society concerning the publishing of books, articles and other works intended for wide circulation by audio-visual means is to be found especially in the personal responsibility of each Jesuit to keep constantly in mind his apostolic ecclesial mission for the spiritual good of others and his belonging to the body of the Society. Thus whatever he writes or sets forth can have repercussions on other members of the Society.

319. 3. All Jesuits who intend to offer a work for publication should be faithful to the long and venerable tradition of the Society of serving the Church by explaining, propagating, and defending the faith. They should be mind-

ful of their obligations of reverence and fidelity toward the magisterium of the Church and in a special way to the Supreme Pontiff and all who share the pastoral office with him.

320. 4. Whatever Jesuits publish should have the following characteristics:

1°. The subject matter treated should be useful, according to the apostolic goal and mission proper to the Society.

2°. The work to be published should be better than average in its category and thus come up to the legitimate expectations of those for whom it is intended.

3°. The subject matter should agree with the doctrine of faith and morals as proposed by the magisterium of the Church, with due regard for legitimate freedom of research, when there is a question of writings which by their nature or by reason of the journal in which they are to be published are destined only for experts in the matter.

4°. The writings should contain nothing that could justifiably give offense to other persons, groups, nations or institutions.

Publications which require the permission of Superiors

321. 5. Jesuits need the written permission of Superiors to publish, whether personally or through others, any writing intended for public distribution. The same permission is needed to record words or images on disks, cassettes, film, videotapes or any other device by which words or images are reproduced for public distribution.

322. 6. Whether a similar permission is needed for the publication of translations made by Jesuits is left to the judgment of the competent Superior, even if the original had already received the necessary permission. The same norm applies to new editions of the same book, if changes have been introduced.

323. 6. No prior permission is necessary to duplicate writings prepared in carrying out a mission given by Superiors and intended for private use (such as class notes for students, bulletins for members of one's association, etc.) But a copy of such writings should be given to the Superior of the community or the Director of the work, according to the particular case, so that if necessary he can provide.

324. 7. When there is a question of a work which according to the prescriptions of the common law requires permission of the Holy See or the local Ordinary, permission of the competent Superior is first to be obtained.

325. 9. 1°. In occasional appearances or interviews given to the communications media, provided they are not intended for future duplication (on cassettes, videotapes, etc.), the general principles given above in nn. 1-4 (317 – 320) are to be observed, as well as any norms the Conference of Bishops may have set down, if questions concerning Christian doctrine and morals are discussed.

2°. Permission of the Provincial is needed for a Jesuit to take on a commitment of regularly collaborating with the communications media.

326. 10. When a Jesuit undertakes the task, with a view to future publication, of composing or translating a major work, he should in good time discuss the matter with Superiors.

The competent authority for granting permission

327. 11. The General reserves to himself the faculty of granting permission to edit commentaries on the Institute of the Society which, in the judgment of the Provincial are considered to be major works.

328. 12. The Provincial is the competent authority to grant permission to publish all other books, including collaboration in works composed by a number of authors, articles to be printed in non-Jesuit publications and works to be reproduced by any other audio-visual means.

329. 13. Permission, which according to canon 831 §1 (here, n. 314 §1) is to be requested from the local Ordinary, to write for newspapers, magazines, and other periodicals which as a matter of policy openly attack the Catholic religion or sound morals, is to be requested through the Provincial.

330. 14. With due regard for the prescription in n. 13 (327), the local Superior is competent to grant permission to publish articles in newspapers. If, due to the difficulty of the subject matter treated or for any other reason, the local Superior is doubtful about granting permission, he should consult the Provincial.

331. 15. 1°. Jesuits who are Presidents of academic institutions or Directors of communication media proper to the Society may receive from the Provincial to whom the apostolic work is responsible delegated authority to give to Jesuits the necessary permission to publish works in the media under their direction.

2°. These Presidents and Directors are responsible to ecclesiastical authority and to Superiors of the Society in matters of faith and morals for whatever they publish even if written by lay persons.

332. 16. The Provincial mentioned in nn. 12 and 13 (329 and 329) is the Provincial of the author. If the work is published in another Province, the consent of the Provincial of that Province is also needed.

Prerequisites for permission to publish

333. 17. Superiors or their delegates (cf. n. 15) as mentioned in nn. 11–12 (328–329), before they grant permission to publish anything which treats of religious or moral or closely related questions, should seek the opinion of at least one expert in the matter as an aid in forming their own judgment. They should consult other experts as well, whenever the special difficulty of the subject matter requires it or when the opinion of the first expert did not favor publication.

334. 18. When there is a question of matters not particularly connected with religious or moral questions, the Superior can either seek the opinion of an expert in the matter or can grant permission to publish the work without exami-

nation on the basis of the knowledge he has of the competence of the author. He can also give him general permission to publish writings on a subject in which the man has demonstrated his competence, provided they contain nothing that come under n. 17 (323).

335. 19. When special circumstances recommend immediate publication of an article in the newspapers, and there is not time to seek the opinion of experts, the local Superior with the help of his Consultors if necessary can quickly examine the article and grant permission to publish it. In cases that are so urgent that there is no time to consult the Superior, the article may be published in the newspaper, provided always that the general norms in nn. 14 (317–320) are observed.

336. 20. If the experts who examined a work with a view to publication judge that it should not be published, the competent Superior cannot grant permission to publish it. But if at least one of the appointed experts approves the work, the Superior according to his own prudent judgment can grant permission to publish it, with the stipulation that corrections be made which he judges necessary. If the experts approve the work, the Superior still retains the authority of either granting or denying permission to publish it.

337. 21. When the competent Superior for whatever reason denies permission to publish, he should inform the author of the reasons for the denial. The author retains the right of appeal against the decision of the superior who denied permission.

The function of the expert examiner

338. 22. An expert, entrusted with the task of examining a work, should be conscious of his responsibility before the Church and the Society. He should carry out his function carefully and wisely, keeping in mind the spiritual good of others, the teaching of the Church and the way of proceeding proper to the Society.

339. 23. The expert examiner, putting aside all deference to the person, should form his judgment according to the criteria indicated [above] in n. 4 (320). He should be careful not to restrict unjustly personal freedom of research or opinion in matters which can be freely disputed among Catholic authors. In forming his judgment he should keep in mind the type of periodical where the work will be published as well as the readers for whom it is intended.

340. 24. If he judges the work suitable for publication, let him state whether he thinks any emendations should be made, and carefully note whether he considers these changes so necessary that without them the work cannot be published or whether they are simply suggestions for improving the work.

341. 25. The expert examiner [should] give his written judgment to the Superior; the Superior should in no way reveal his name unless the examiner himself has no objection.

342. 26. If because of the difficulty of the subject matter or for any other reason, the Provincial thinks the General should be consulted, he should send the work to him with the judgments of the experts.

What is to be done after permission to publish has been given

343. 27. 1°. The work should be published in a type of publication which best corresponds to its nature.

2°. No contract [should] be made with publishers or printers until the requisite permission to publish the work has been obtained. The Provincial, however, in special cases can dispense from this prescription.

3°. Contracts are to be approved by the Provincial before they are signed.

344. 28. Information about works published and copies of them are to be sent to the General and to the Provincial according to the norms of *Practica quaedam*.

345. 29. 1°. If any Jesuit publishes anything or holds a press conference without the required permission, the Superior who should have been asked for permission should discuss the matter with him and make appropriate decisions.

2°. If any Jesuit publishes anything contrary to our way of helping the neighbor and serving the Church, the Provincial should always discuss the matter with him first. Then, after conferring with his consultors and perhaps with other experts, he should take effective means to safeguard the spiritual good of others and the interests of the Church and the Society, such as requiring a clarification or even, if necessary, a public retraction or other appropriate action.

APPENDIX II: CROSS-REFERENCES				
Category	Authorization	Manual ¹	CIC ²	CCEO ³
Scripture Texts	Approval by Apostolic See/Conf. of Bishops	#308	c.825 §1	c.655 §3
Liturgical Books	Approval of Apostolic See	#309	c.838 §§2-3	
Translations of liturgical books	Published by Conf. of bishops; prior review by Apostolic See	#309	c.826 §2	c.657 §3
Reprints of Translations	Ordinary of the place where published; <i>Concordat cum originali</i> ₄	#309	c.826 §2	c.657 §3
Prayer books for public/private use	Ordinary of the place (i.e., local ordinary) permits publication	#310	c.826 §3	c.656 §2
Catechetical works, including catechisms and translations of them	Approval by local ordinary or conf. of bishops, with prior approval of Apostolic See	#311	cc.827 §1; 775 §2	cc.658 §1 and 621 §3
If scripture, theology, canon law, church history, religious or moral disciplines & used as textbooks in elementary, middle or higher schools	Approval of competent ecclesiastical authority either before or after publication	#312	c.827 §2	c.658 §2
	Recommendation: judgment of local ordinary	#312	c.827 §2	c.659
	Approval to publish applies only to the original text, not to new editions/translations	#312	c.824 §2	c.654

APPENDIX II: CROSS-REFERENCES

Category	Authorization	Manual ¹	CIC ²	CCEO ³
Periodicals, including periodicals and magazines that openly attack the Catholic religion or good morals; By members of religious institutes	Permission by local ordinary, provided a just and reasonable cause exists	#314	c. 831 §1	c. 660
Appearance of clerics and members of religious institutes on radio and television concerning religion and morals	Norms established by conf. of bishops [For the U.S., see http://uscgb.org/norms/831-2.htm]	#314 §2	c. 831 §1	
	Competent ecclesiastical authority / local ordinary, unless specified elsewhere in the law, is the local ordinary (diocesan bishop, vicar general, episcopal vicar) of the author OR of the place of publication	#315	c. 824 §1	c. 662 §2
Members of institutes of consecrated life, to publish material concerning religion or morals	Permission of the Major Superior, according to proper law	#316	c. 832	c. 662 §2
The category "books" includes any writings destined for public distribution		#315 §2	c. 724 §2	c. 654

1. *Manual for Juridical Practice of the Society of Jesus* (Rome: Curia of the Superior General of the Society of Jesus, 1997).
2. *Codex Juris Canonici* (Vatican City: Libreria Editrice Vaticana, 1984). *Code of Canon Law, Latin-English Edition*, translation prepared under the auspices of the Canon Law Society of America. (Washington, DC: Canon Law Society of America, 1983).
3. *Codex Canonum Ecclesiarum Orientalium auctoritate Joannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1990). English translation from *Code of Canons of the Eastern Churches, Latin-English Edition* (Washington: DC: CLSA, 1992).
4. In other words, the ordinary of the place—diocesan bishop, vicar general, episcopal vicar—attests that the new reprint corresponds to the original translation.

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